

**AMENDMENTS TO H.R. 3889****OFFERED BY MR. BARTON**

Strike title I and insert the following:

1 **TITLE I—DOMESTIC REGULA-**  
2 **TION OF PRECURSOR CHEMI-**  
3 **CALS**

4 **SEC. 101. SCHEDULED LISTED CHEMICAL PRODUCTS; RE-**  
5 **STRICTIONS ON SALES QUANTITY, BEHIND-**  
6 **THE-COUNTER ACCESS, AND OTHER SAFE-**  
7 **GUARDS.**

8 (a) SCHEDULED LISTED CHEMICAL PRODUCTS.—

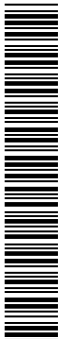
9 (1) IN GENERAL.—Section 102 of the Con-  
10 trolled Substances Act (21 U.S.C. 802) is  
11 amended—

12 (A) by redesignating paragraph (46) as  
13 paragraph (49); and

14 (B) by inserting after paragraph (44) the  
15 following paragraphs:

16 “(45)(A) The term ‘scheduled listed chemical prod-  
17 uct’ means, subject to subparagraph (B), a product that—

18 “(i) contains ephedrine, pseudoephedrine, or  
19 phenylpropanolamine; and



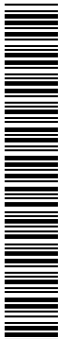
1           “(ii) may be marketed or distributed lawfully in  
2           the United States under the Federal, Food, Drug,  
3           and Cosmetic Act as a nonprescription drug.

4   Each   reference   in   clause   (i)   to   ephedrine,  
5   pseudoephedrine, or phenylpropanolamine includes each of  
6   the salts, optical isomers, and salts of optical isomers of  
7   such chemical.

8           “(B) Such term does not include a product described  
9   in subparagraph (A) if the product contains a chemical  
10   specified in such subparagraph that the Attorney General  
11   has under section 201(a) added to any of the schedules  
12   under section 202(c). In the absence of such scheduling  
13   by the Attorney General, a chemical specified in such sub-  
14   paragraph may not be considered to be a controlled sub-  
15   stance.

16          “(46) The term ‘regulated seller’ means a retail dis-  
17   tributor (including a pharmacy or a mobile retail vendor),  
18   except that such term does not include an employee or  
19   agent of such distributor.

20          “(47) The term ‘mobile retail vendor’ means a person  
21   or entity that makes sales at retail from a stand that is  
22   intended to be temporary, or is capable of being moved  
23   from one location to another, whether the stand is located  
24   within or on the premises of a fixed facility (such as a  
25   kiosk at a shopping center or an airport) or whether the



1 stand is located on unimproved real estate (such as a lot  
2 or field leased for retail purposes).

3 “(48) The term ‘at retail’, with respect to the sale  
4 or purchase of a scheduled listed chemical product, means  
5 a sale or purchase for personal use, respectively.”.

6 (2) CONFORMING AMENDMENTS.—The Con-  
7 trolled Substances Act (21 U.S.C. 801 et seq.) is  
8 amended—

9 (A) in section 102, in paragraph (49) (as  
10 redesignated by paragraph (1)(A) of this sub-  
11 section)—

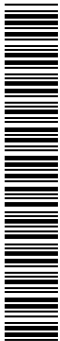
12 (i) in subparagraph (A), by striking  
13 “pseudoephedrine or” and inserting  
14 “ephedrine, pseudoephedrine, or”; and

15 (ii) by striking subparagraph (B) and  
16 redesignating subparagraph (C) as sub-  
17 paragraph (B); and

18 (B) in section 310(b)(3)(D)(ii), by striking  
19 “102(46)” and inserting “102(49)”.

20 (b) RESTRICTIONS ON SALES QUANTITY; BEHIND-  
21 THE-COUNTER ACCESS; LOGBOOK REQUIREMENT; TRAIN-  
22 ING OF SALES PERSONNEL; PRIVACY PROTECTIONS.—

23 (1) IN GENERAL.—Section 310 of the Con-  
24 trolled Substances Act (21 U.S.C. 830) is amended  
25 by adding at the end the following subsections:



1       “(d) SCHEDULED LISTED CHEMICALS; RESTRIC-  
2 TIONS ON SALES QUANTITY; REQUIREMENTS REGARDING  
3 NONLIQUID FORMS.—With respect to ephedrine base,  
4 pseudoephedrine base, or phenylpropanolamine base in a  
5 scheduled listed chemical product—

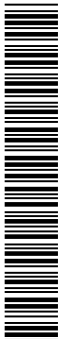
6           “(1) the quantity of such base sold at retail in  
7 such a product by a regulated seller, or a distributor  
8 required to submit reports by subsection (b)(3) may  
9 not, for any purchaser, exceed a daily amount of 3.6  
10 grams, without regard to the number of trans-  
11 actions; and

12           “(2) such a seller or distributor may not sell  
13 such a product in nonliquid form (including gell  
14 caps) at retail unless the product is packaged in blis-  
15 ter packs, each blister containing not more than 2  
16 dosage units, or where the use of blister packs is  
17 technically infeasible, the product is packaged in  
18 unit dose packets or pouches.

19       “(e) SCHEDULED LISTED CHEMICALS; BEHIND-THE-  
20 COUNTER ACCESS; LOGBOOK REQUIREMENT; TRAINING  
21 OF SALES PERSONNEL; PRIVACY PROTECTIONS.—

22           “(1) REQUIREMENTS REGARDING RETAIL  
23 TRANSACTIONS.—

24           “(A) IN GENERAL.—Each regulated seller  
25 shall ensure that, subject to subparagraph (F),



1 sales by such seller of a scheduled listed chem-  
2 ical product at retail are made in accordance  
3 with the following:

4 “(i) In offering the product for sale,  
5 the seller places the product such that cus-  
6 tomers do not have direct access to the  
7 product before the sale is made (in this  
8 paragraph referred to as ‘behind-the-  
9 counter’ placement). For purposes of this  
10 paragraph, a behind-the-counter placement  
11 of a product includes circumstances in  
12 which the product is stored in a locked  
13 cabinet that is located in an area of the fa-  
14 cility involved to which customers do have  
15 direct access.

16 “(ii) The seller delivers the product  
17 directly into the custody of the purchaser.

18 “(iii) The seller maintains, in accord-  
19 ance with criteria issued by the Attorney  
20 General, a written or electronic list of such  
21 sales that identifies the products by name,  
22 the quantity sold, the names and addresses  
23 of purchasers, and the dates and times of  
24 the sales (which list is referred to in this  
25 subsection as the ‘logbook’), except that



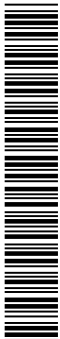
1 such requirement does not apply to any  
2 purchase by an individual of a single sales  
3 package if that package contains not more  
4 than 60 milligrams of pseudoephedrine.

5 “(iv) In the case of a sale to which  
6 the requirement of clause (iii) applies, the  
7 seller does not sell such a product unless—

8 “(I) the prospective purchaser—

9 “(aa) presents an identifica-  
10 tion card that provides a photo-  
11 graph and is issued by a State or  
12 the Federal Government, or a  
13 document that, with respect to  
14 identification, is considered ac-  
15 ceptable for purposes of sections  
16 274a.2(b)(1)(v)(A) and  
17 274a.2(b)(1)(v)(B) of title 8,  
18 Code of Federal Regulations (as  
19 in effect on or after the date of  
20 the enactment of the Combat  
21 Methamphetamine Epidemic Act  
22 of 2005); and

23 “(bb) signs the logbook and  
24 enters in the logbook his or her



1 name, address, and the date and  
2 time of the sale; and

3 “(II) the seller—

4 “(aa) determines that the  
5 name entered in the logbook cor-  
6 responds to the name provided on  
7 such identification and that the  
8 date and time entered are cor-  
9 rect; and

10 “(bb) enters in the logbook  
11 the name of the product and the  
12 quantity sold.

13 “(v) The logbook includes, in accord-  
14 ance with criteria of the Attorney General,  
15 a notice to purchasers that entering false  
16 statements or misrepresentations in the  
17 logbook may subject the purchasers to  
18 criminal penalties under section 1001 of  
19 title 18, United States Code, which notice  
20 specifies the maximum fine and term of  
21 imprisonment under such section.

22 “(vi) The seller maintains each entry  
23 in the logbook for not fewer than two years  
24 after the date on which the entry is made.



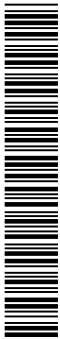
1 “(vii) In the case of individuals who  
2 are responsible for delivering such products  
3 into the custody of purchasers or who deal  
4 directly with purchasers by obtaining pay-  
5 ments for the products, the seller has sub-  
6 mitted to the Attorney General a self-cer-  
7 tification that all such individuals have, in  
8 accordance with criteria under subpara-  
9 graph (B)(ii), undergone training provided  
10 by the seller to ensure that the individuals  
11 understand the requirements that apply  
12 under this subsection and subsection (d).

13 “(viii) The seller maintains a copy of  
14 such certification and records dem-  
15 onstrating that individuals referred to in  
16 clause (vii) have undergone the training.

17 “(ix) If the seller is a mobile retail  
18 vendor:

19 “(I) The seller complies with  
20 clause (i) by placing the product in a  
21 locked cabinet.

22 “(II) The seller does not sell  
23 more than 7.5 grams of ephedrine  
24 base, pseudoephedrine base, or phen-  
25 ylpropanolamine base in such prod-





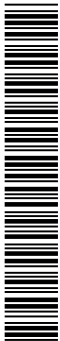
1                   ucts per customer during a 30-day pe-  
2                   riod.

3                   “(B) ADDITIONAL PROVISIONS REGARDING  
4                   CERTIFICATIONS AND TRAINING.—

5                   “(i) IN GENERAL.—A regulated seller  
6                   may not sell any scheduled listed chemical  
7                   product at retail unless the seller has sub-  
8                   mitted to the Attorney General the self-  
9                   certification referred to in subparagraph  
10                  (A)(vii). The certification is not effective  
11                  for purposes of the preceding sentence un-  
12                  less, in addition to provisions regarding the  
13                  training of individuals referred to in such  
14                  subparagraph, the certification includes a  
15                  statement that the seller understands each  
16                  of the requirements that apply under this  
17                  paragraph and under subsection (d) and  
18                  agrees to comply with the requirements.

19                  “(ii) ISSUANCE OF CRITERIA; SELF-  
20                  CERTIFICATION.—The Attorney General  
21                  shall by regulation establish criteria for  
22                  certifications under this paragraph. The  
23                  criteria shall—

24                  “(I) provide that the certifi-  
25                  cations are self-certifications provided



1 through the program under clause  
2 (iii);

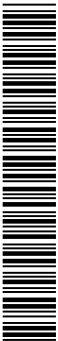
3 “(II) provide that a separate cer-  
4 tification is required for each place of  
5 business at which a regulated seller  
6 sells scheduled listed chemical prod-  
7 ucts at retail; and

8 “(III) include criteria for train-  
9 ing under subparagraph (A)(vii).

10 “(iii) PROGRAM FOR REGULATED  
11 SELLERS.—The Attorney General shall es-  
12 tablish a program regarding such certifi-  
13 cations and training in accordance with the  
14 following:

15 “(I) The program shall be car-  
16 ried out through an Internet site of  
17 the Department of Justice and such  
18 other means as the Attorney General  
19 determines to be appropriate.

20 “(II) The program shall inform  
21 regulated sellers that section 1001 of  
22 title 18, United States Code, applies  
23 to such certifications.



1 “(III) The program shall make  
2 available to such sellers an expla-  
3 nation of the criteria under clause (ii).

4 “(IV) The program shall be de-  
5 signed to permit the submission of the  
6 certifications through such Internet  
7 site.

8 “(V) The program shall be de-  
9 signed to automatically provide the  
10 explanation referred to in subclause  
11 (III), and an acknowledgement that  
12 the Department has received a certifi-  
13 cation, without requiring direct inter-  
14 actions of regulated sellers with staff  
15 of the Department (other than the  
16 provision of technical assistance, as  
17 appropriate).

18 “(iv) AVAILABILITY OF CERTIFI-  
19 CATION TO STATE AND LOCAL OFFI-  
20 CIALS.—Promptly after receiving a certifi-  
21 cation under subparagraph (A)(vii), the  
22 Attorney General shall make available a  
23 copy of the certification to the appropriate  
24 State and local officials.



1           “(C) PRIVACY PROTECTIONS.—In order to  
2           protect the privacy of individuals who purchase  
3           scheduled listed chemical products, the Attorney  
4           General shall by regulation establish restrictions  
5           on disclosure of information in logbooks under  
6           subparagraph (A)(iii). Such regulations shall—

7                   “(i) provide for the disclosure of the  
8                   information as appropriate to the Attorney  
9                   General and to State and local law enforce-  
10                  ment agencies; and

11                  “(ii) prohibit accessing, using, or  
12                  sharing information in the logbooks for  
13                  any purpose other than to ensure compli-  
14                  ance with this title or to facilitate a prod-  
15                  uct recall to protect public health and safe-  
16                  ty.

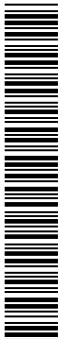
17           “(D) FALSE STATEMENTS OR MISREPRE-  
18           SENTATIONS BY PURCHASERS.—For purposes  
19           of section 1001 of title 18, United States Code,  
20           entering information in the logbook under sub-  
21           paragraph (A)(iii) shall be considered a matter  
22           within the jurisdiction of the executive, legisla-  
23           tive, or judicial branch of the Government of  
24           the United States.



1           “(E) GOOD FAITH PROTECTION.—A regu-  
2           lated seller who in good faith releases informa-  
3           tion in a logbook under subparagraph (A)(iii) to  
4           Federal, State, or local law enforcement au-  
5           thorities is immune from civil liability for such  
6           release unless the release constitutes gross neg-  
7           ligence or intentional, wanton, or willful mis-  
8           conduct.

9           “(F) INAPPLICABILITY OF REQUIREMENTS  
10          TO CERTAIN SALES.—Subparagraph (A) does  
11          not apply to the sale at retail of a scheduled  
12          listed chemical product if a report on the sales  
13          transaction is required to be submitted to the  
14          Attorney General under subsection (b)(3).

15          “(G) CERTAIN MEASURES REGARDING  
16          THEFT AND DIVERSION.—A regulated seller  
17          may take reasonable measures to guard against  
18          employing individuals who may present a risk  
19          with respect to the theft and diversion of sched-  
20          uled listed chemical products, which may in-  
21          clude, notwithstanding State law, asking appli-  
22          cants for employment whether they have been  
23          convicted of any crime involving or related to  
24          such products or controlled substances.”.



1           (2) EFFECTIVE DATES.—With respect to sub-  
2       sections (d) and (e)(1) of section 310 of the Con-  
3       trolled Substances Act, as added by paragraph (1)  
4       of this subsection:

5           (A) Such subsection (d) applies on and  
6       after the expiration of the 30-day period begin-  
7       ning on the date of the enactment of this Act.

8           (B) Such subsection (e)(1) applies on and  
9       after September 30, 2006.

10       (c) MAIL-ORDER REPORTING.—

11           (1) IN GENERAL.—Section 310(e) of the Con-  
12       trolled Substances Act, as added by subsection  
13       (b)(1) of this section, is amended by adding at the  
14       end the following:

15           “(2) MAIL-ORDER REPORTING; VERIFICATION  
16       OF IDENTITY OF PURCHASER; 30-DAY RESTRICTION  
17       ON QUANTITIES FOR INDIVIDUAL PURCHASERS.—

18       Each regulated person who makes a sale at retail of  
19       a scheduled listed chemical product and is required  
20       under subsection (b)(3) to submit a report of the  
21       sales transaction to the Attorney General is subject  
22       to the following:

23           “(A) The person shall, prior to shipping  
24       the product, confirm the identity of the pur-  
25       chaser in accordance with procedures estab-



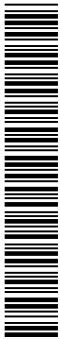
1           lished by the Attorney General. The Attorney  
2           General shall by regulation establish such pro-  
3           cedures.

4                   “(B) The person may not sell more than  
5           7.5 grams of ephedrine base, pseudoephedrine  
6           base, or phenylpropanolamine base in such  
7           products per customer during a 30-day pe-  
8           riod.”.

9           (2) INAPPLICABILITY OF REPORTING EXEMP-  
10          TION FOR RETAIL DISTRIBUTORS.—Section  
11          310(b)(3)(D)(ii) of the Controlled Substances Act  
12          (21 U.S.C. 830(b)(3)(D)(ii)) is amended by insert-  
13          ing before the period the following: “, except that  
14          this clause does not apply to sales of scheduled listed  
15          chemical products at retail”.

16          (3) EFFECTIVE DATE.—The amendments made  
17          by paragraphs (1) and (2) apply on and after the ex-  
18          piration of the 30-day period beginning on the date  
19          of the enactment of this Act.

20          (d) EXEMPTIONS FOR CERTAIN PRODUCTS.—Section  
21          310(e) of the Controlled Substances Act, as added and  
22          amended by subsections (b) and (c) of this section, respec-  
23          tively, is amended by adding at the end the following para-  
24          graph:



1           “(3) EXEMPTIONS FOR CERTAIN PRODUCTS.—

2           Upon the application of a manufacturer of a sched-  
3           uled listed chemical product, the Attorney General  
4           may by regulation provide that the product is ex-  
5           empt from the provisions of subsection (d) and para-  
6           graphs (1) and (2) of this subsection if the Attorney  
7           General determines that the product cannot be used  
8           in the illicit manufacture of methamphetamine.”.

9           (e) ENFORCEMENT OF REQUIREMENTS FOR RETAIL  
10          SALES.—

11           (1) CIVIL AND CRIMINAL PENALTIES.—

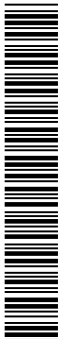
12                   (A) IN GENERAL.—Section 402(a) of the  
13           Controlled Substances Act (21 U.S.C. 842(a))  
14           is amended—

15                           (i) in paragraph (10), by striking “or”  
16                           after the semicolon;

17                           (ii) in paragraph (11), by striking the  
18                           period at the end and inserting a semi-  
19                           colon; and

20                           (iii) by inserting after paragraph (11)  
21                           the following paragraphs:

22                           “(12) who is a regulated seller, or a distributor  
23                           required to submit reports under subsection (b)(3)  
24                           of section 310—





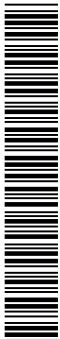
1 “(A) to sell at retail a scheduled listed  
2 chemical product in violation of paragraph (1)  
3 of subsection (d) of such section, knowing at  
4 the time of the transaction involved (inde-  
5 pendent of consulting the logbook under sub-  
6 section (e)(1)(A)(iii) of such section) that the  
7 transaction is a violation; or

8 “(B) to knowingly or recklessly sell at re-  
9 tail such a product in violation of paragraph (2)  
10 of such subsection (d);

11 “(13) who is a regulated seller to knowingly or  
12 recklessly sell at retail a scheduled listed chemical  
13 product in violation of subsection (e) of such section;  
14 or

15 “(14) who is a regulated seller or an employee  
16 or agent of such seller to disclose, in violation of reg-  
17 ulations under subparagraph (C) of section  
18 310(e)(1), information in logbooks under subpara-  
19 graph (A)(iii) of such section, or to refuse to provide  
20 such a logbook to Federal, State, or local law en-  
21 forcement authorities.”.

22 (B) CONFORMING AMENDMENT.—Section  
23 401(f)(1) of the Controlled Substances Act (21  
24 U.S.C. 841(f)(1)) is amended by inserting after  
25 “shall” the following: “, except to the extent



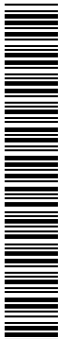
1           that paragraph (12), (13), or (14) of section  
2           402(a) applies.”.

3           (2) AUTHORITY TO PROHIBIT SALES BY VIOLA-  
4           TORS.—Section 402(c) of the Controlled Substances  
5           Act (21 U.S.C. 842(c)) is amended by adding at the  
6           end the following paragraph:

7           “(4)(A) If a regulated seller, or a distributor required  
8           to submit reports under section 310(b)(3), violates para-  
9           graph (12) of subsection (a) of this section, or if a regu-  
10          lated seller violates paragraph (13) of such subsection, the  
11          Attorney General may by order prohibit such seller or dis-  
12          tributor (as the case may be) from selling any scheduled  
13          listed chemical product. Any sale of such a product in vio-  
14          lation of such an order is subject to the same penalties  
15          as apply under paragraph (2).

16          “(B) An order under subparagraph (A) may be im-  
17          posed only through the same procedures as apply under  
18          section 304(c) for an order to show cause.”.

19          (f) PRESERVATION OF STATE AUTHORITY TO REGU-  
20          LATE SCHEDULED LISTED CHEMICALS.—This section  
21          and the amendments made by this section may not be con-  
22          strued as having any legal effect on section 708 of the  
23          Controlled Substances Act as applied to the regulation of  
24          scheduled listed chemicals (as defined in section 102(45)  
25          of such Act).



1 **SEC. 102. REGULATED TRANSACTIONS.**

2 (a) CONFORMING AMENDMENTS REGARDING SCHED-  
3 ULED LISTED CHEMICALS.—The Controlled Substances  
4 Act (21 U.S.C. 801 et seq.) is amended—

5 (1) in section 102—

6 (A) in paragraph (39)(A)—

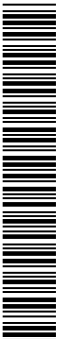
7 (i) by amending clause (iv) to read as  
8 follows:

9 “(iv) any transaction in a listed chemical  
10 that is contained in a drug that may be mar-  
11 keted or distributed lawfully in the United  
12 States under the Federal Food, Drug, and Cos-  
13 metic Act, subject to clause (v), unless—

14 “(I) the Attorney General has deter-  
15 mined under section 204 that the drug or  
16 group of drugs is being diverted to obtain  
17 the listed chemical for use in the illicit pro-  
18 duction of a controlled substance; and

19 “(II) the quantity of the listed chem-  
20 ical contained in the drug included in the  
21 transaction or multiple transactions equals  
22 or exceeds the threshold established for  
23 that chemical by the Attorney General;”;

24 (ii) by redesignating clause (v) as  
25 clause (vi); and



1 (iii) by inserting after clause (iv) the  
2 following clause:

3 “(v) any transaction in a scheduled listed  
4 chemical product; or”; and

5 (B) by striking the paragraph (45) that re-  
6 lates to the term “ordinary over-the-counter  
7 pseudoephedrine or phenylpropanolamine prod-  
8 uct”;

9 (2) in section 204, by striking subsection (e);  
10 and

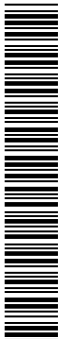
11 (3) in section 303(h), in the second sentence, by  
12 striking “section 102(39)(A)(iv)” and inserting  
13 “clause (iv) or (v) of section 102(39)(A)”.

14 (b) PUBLIC LAW 104–237.—Section 401 of the Com-  
15 prehensive Methamphetamine Control Act of 1996 (21  
16 U.S.C. 802 note) (Public Law 104–237) is amended by  
17 striking subsections (d), (e), and (f).

18 **SEC. 103. AUTHORITY TO ESTABLISH PRODUCTION**  
19 **QUOTAS.**

20 Section 306 of the Controlled Substances Act (21  
21 U.S.C. 826) is amended—

22 (1) in subsection (a), by inserting “and for  
23 ephedrine, pseudoephedrine, and phenylpropanola-  
24 mine” after “for each basic class of controlled sub-  
25 stance in schedules I and II”;



1           (2) in subsection (b), by inserting “or for  
2           ephedrine, pseudoephedrine, or phenylpropanola-  
3           mine” after “for each basic class of controlled sub-  
4           stance in schedule I or II” each place such term ap-  
5           pears;

6           (3) in subsection (c), in the first sentence, by  
7           inserting “and for ephedrine, pseudoephedrine, and  
8           phenylpropanolamine” after “for the basic classes of  
9           controlled substances in schedules I and II”;

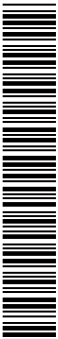
10          (4) in subsection (d), by inserting “or ephed-  
11          rine, pseudoephedrine, or phenylpropanolamine”  
12          after “that basic class of controlled substance”;

13          (5) in subsection (e), by inserting “or for  
14          ephedrine, pseudoephedrine, or phenylpropanola-  
15          mine” after “for a basic class of controlled sub-  
16          stance in schedule I or II” each place such term ap-  
17          pears;

18          (6) in subsection (f)—

19                (A) by inserting “or ephedrine,  
20                pseudoephedrine, or phenylpropanolamine”  
21                after “controlled substances in schedules I and  
22                II”;

23                (B) by inserting “or of ephedrine,  
24                pseudoephedrine, or phenylpropanolamine”



1 after “the manufacture of a controlled sub-  
2 stance”; and

3 (C) by inserting “or chemicals” after  
4 “such incidentally produced substances”; and

5 (7) by adding at the end the following sub-  
6 section:

7 “(g) Each reference in this section to ephedrine,  
8 pseudoephedrine, or phenylpropanolamine includes each of  
9 the salts, optical isomers, and salts of optical isomers of  
10 such chemical.”.

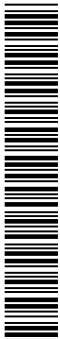
11 **SEC. 104. PENALTIES; AUTHORITY FOR MANUFACTURING;**  
12 **QUOTA.**

13 Section 402(b) of the Controlled Substances Act (21  
14 U.S.C. 842(b)) is amended by inserting after “manufac-  
15 ture a controlled substance in schedule I or II” the fol-  
16 lowing: “, or ephedrine, pseudoephedrine, or phenyl-  
17 propanolamine or any of the salts, optical isomers, or salts  
18 of optical isomers of such chemical,”

19 **SEC. 105. RESTRICTIONS ON IMPORTATION; AUTHORITY TO**  
20 **PERMIT IMPORTS FOR MEDICAL, SCIENTIFIC,**  
21 **OR OTHER LEGITIMATE PURPOSES.**

22 Section 1002(a) of the Controlled Substances Import  
23 and Export Act (21 U.S.C. 952(a)) is amended—

24 (1) in the matter preceding paragraph (1), by  
25 inserting “or ephedrine, pseudoephedrine, or phenyl-



1       propanolamine,” after “schedule III, IV, or V of title  
2       II,”;

3               (2) in paragraph (1), by inserting “, and of  
4       ephedrine, pseudoephedrine, and phenylpropanola-  
5       mine, ” after “coca leaves”; and

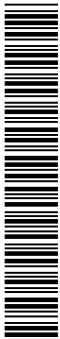
6               (3) by adding at the end the following sub-  
7       sections:

8       “(d)(1) With respect to a registrant under section  
9       1008 who is authorized under subsection (a)(1) to import  
10      ephedrine, pseudoephedrine, or phenylpropanolamine, at  
11      any time during the year the registrant may apply for an  
12      increase in the amount of such chemical that the reg-  
13      istrant is authorized to import, and the Attorney General  
14      may approve the application if the Attorney General deter-  
15      mines that the approval is necessary to provide for med-  
16      ical, scientific, or other legitimate purposes regarding the  
17      chemical.

18       “(2) With respect to the application under paragraph  
19      (1):

20               “(A) Not later than 60 days after receiving the  
21      application, the Attorney General shall approve or  
22      deny the application.

23               “(B) In approving the application, the Attorney  
24      General shall specify the period of time for which  
25      the approval is in effect, or shall provide that the



1 approval is effective until the registrant involved is  
2 notified in writing by the Attorney General that the  
3 approval is terminated.

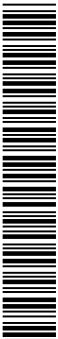
4 “(C) If the Attorney General does not approve  
5 or deny the application before the expiration of the  
6 60-day period under subparagraph (A), the applica-  
7 tion is deemed to be approved, and such approval re-  
8 mains in effect until the Attorney General notifies  
9 the registrant in writing that the approval is termi-  
10 nated.

11 “(e) Each reference in this section to ephedrine,  
12 pseudoephedrine, or phenylpropanolamine includes each of  
13 the salts, optical isomers, and salts of optical isomers of  
14 such chemical.”.

15 **SEC. 106. NOTICE OF IMPORTATION OR EXPORTATION; AP-**  
16 **PROVAL OF SALE OR TRANSFER BY IM-**  
17 **PORTER OR EXPORTER.**

18 (a) IN GENERAL.—Section 1018 of the Controlled  
19 Substances Import and Export Act (21 U.S.C. 971) is  
20 amended—

21 (1) in subsection (b)(1), in the first sentence,  
22 by striking “or to an importation by a regular im-  
23 porter” and inserting “or to a transaction that is an  
24 importation by a regular importer”;





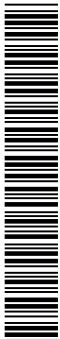
1           (2) by redesignating subsections (d) and (e) as  
2           subsections (e) and (f), respectively;

3           (3) by inserting after subsection (c) the fol-  
4           lowing subsection:

5           “(d)(1)(A) Information provided in a notice under  
6           subsection (a) or (b) shall include the name of the person  
7           to whom the importer or exporter involved intends to  
8           transfer the listed chemical involved, and the quantity of  
9           such chemical to be transferred.

10          “(B) In the case of a notice under subsection (b) sub-  
11          mitted by a regular importer, if the transferee identified  
12          in the notice is not a regular customer, such importer may  
13          not transfer the listed chemical until after the expiration  
14          of the 15-day period beginning on the date on which the  
15          notice is submitted to the Attorney General.

16          “(C) After a notice under subsection (a) or (b) is sub-  
17          mitted to the Attorney General, if circumstances change  
18          and the importer or exporter will not be transferring the  
19          listed chemical to the transferee identified in the notice,  
20          or will be transferring a greater quantity of the chemical  
21          than specified in the notice, the importer or exporter shall  
22          update the notice to identify the most recent prospective  
23          transferee or the most recent quantity or both (as the case  
24          may be) and may not transfer the listed chemical until  
25          after the expiration of the 15-day period beginning on the



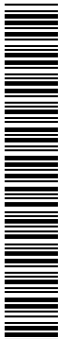
1 date on which the update is submitted to the Attorney  
2 General, except that such 15-day restriction does not  
3 apply if the prospective transferee identified in the update  
4 is a regular customer. The preceding sentence applies with  
5 respect to changing circumstances regarding a transferee  
6 or quantity identified in an update to the same extent and  
7 in the same manner as such sentence applies with respect  
8 to changing circumstances regarding a transferee or quan-  
9 tity identified in the original notice under subsection (a)  
10 or (b).

11 “(D) In the case of a transfer of a listed chemical  
12 that is subject to a 15-day restriction under subparagraph  
13 (B) or (C), the transferee involved shall, upon the expira-  
14 tion of the 15-day period, be considered to qualify as a  
15 regular customer, unless the Attorney General otherwise  
16 notifies the importer or exporter involved in writing.

17 “(2) With respect to a transfer of a listed chemical  
18 with which a notice or update referred to in paragraph  
19 (1) is concerned:

20 “(A) The Attorney General, in accordance with  
21 the same procedures as apply under subsection  
22 (c)(2)—

23 “(i) may order the suspension of the trans-  
24 fer of the listed chemical by the importer or ex-  
25 porter involved, except for a transfer to a reg-



1            ular customer, on the ground that the chemical  
2            may be diverted to the clandestine manufacture  
3            of a controlled substance (without regard to the  
4            form of the chemical that may be diverted, in-  
5            cluding the diversion of a finished drug product  
6            to be manufactured from bulk chemicals to be  
7            transferred), subject to the Attorney General  
8            ordering such suspension before the expiration  
9            of the 15-day period referred to in paragraph  
10           (1) with respect to the importation or expor-  
11           tation (in any case in which such a period ap-  
12           plies); and

13           “(ii) may, for purposes of clause (i) and  
14           paragraph (1), disqualify a regular customer on  
15           such ground.

16           “(B) From and after the time when the Attor-  
17           ney General provides written notice of the order  
18           under subparagraph (A) (including a statement of  
19           the legal and factual basis for the order) to the im-  
20           porter or exporter, the importer or exporter may not  
21           carry out the transfer.

22           “(3) For purposes of this subsection:

23           “(A) The terms ‘importer’ and ‘exporter’ mean  
24           a regulated person who imports or exports a listed  
25           chemical, respectively.



1           “(B) The term ‘transfer’, with respect to a list-  
2           ed chemical, includes the sale of the chemical.

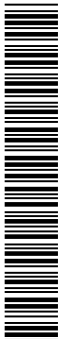
3           “(C) The term ‘transferee’ means a person to  
4           whom an importer or exporter transfers a listed  
5           chemical.”; and

6           (4) by adding at the end the following sub-  
7           section:

8           “(g) Within 30 days after a transaction covered by  
9           this section is completed, the importer or exporter shall  
10          send the Attorney General a return declaration containing  
11          particulars of the transaction, including the date, quan-  
12          tity, chemical, container, name of transferees, and such  
13          other information as the Attorney General may specify in  
14          regulations. For importers, a single return declaration  
15          may include the particulars of both the importation and  
16          distribution. If the importer has not distributed all chemi-  
17          cals imported by the end of the initial 30-day period, the  
18          importer shall file supplemental return declarations no  
19          later than 30 days from the date of any further distribu-  
20          tion, until the distribution or other disposition of all  
21          chemicals imported pursuant to the import notification or  
22          any update are accounted for.”.

23          (b) CONFORMING AMENDMENTS.—

24                 (1) IN GENERAL.—Section 1010(d)(5) of the  
25          Controlled Substances Import and Export Act (21



1 U.S.C. 960(d)(5)) is amended by striking “section  
2 1018(e)(2) or (3)” and inserting “paragraph (2) or  
3 (3) of section 1018(f)”.

4 (2) CONTROLLED SUBSTANCES ACT.—The Con-  
5 trolled Substances Act (21 U.S.C. 801 et seq.) is  
6 amended—

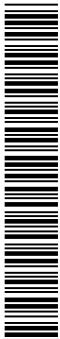
7 (A) in section 310(b)(3)(D)(v), by striking  
8 “section 1018(e)(2)” and inserting “section  
9 1018(f)(2)”; and

10 (B) in section 1018(c)(1), in the first sen-  
11 tence, by inserting before the period the fol-  
12 lowing: “(without regard to the form of the  
13 chemical that may be diverted, including the di-  
14 version of a finished drug product to be manu-  
15 factured from bulk chemicals to be trans-  
16 ferred)”.

17 **SEC. 107. ENFORCEMENT OF RESTRICTIONS ON IMPORTA-**  
18 **TION AND OF REQUIREMENT OF NOTICE OF**  
19 **TRANSFER.**

20 Section 1010(d)(6) of the Controlled Substances Im-  
21 port and Export Act (21 U.S.C. 960(d)(6)) is amended  
22 to read as follows:

23 “(6) imports a listed chemical in violation of  
24 section 1002, imports or exports such a chemical in



1 violation of section 1007 or 1018, or transfers such  
2 a chemical in violation of section 1018(d); or”.

3 **SEC. 108. COORDINATION WITH UNITED STATES TRADE**  
4 **REPRESENTATIVE.**

5 In implementing sections 103 through 107 and sec-  
6 tion 201 of this Act, the Attorney General shall consult  
7 with the United States Trade Representative to ensure im-  
8 plementation complies with all applicable international  
9 treaties and obligations of the United States.

Strike title IV and insert the following:

10 **TITLE IV—ENHANCED ENVIRON-**  
11 **MENTAL REGULATION OF**  
12 **METHAMPHETAMINE BY-**  
13 **PRODUCTS**

14 **SEC. 401. BIENNIAL REPORT TO CONGRESS ON AGENCY**  
15 **DESIGNATIONS OF BY-PRODUCTS OF METH-**  
16 **AMPHETAMINE LABORATORIES AS HAZ-**  
17 **ARDOUS MATERIALS.**

18 Section 5103 of title 49, Unites States Code, is  
19 amended by adding at the end the following:

20 “(d) BIENNIAL REPORT.—The Secretary of Trans-  
21 portation shall submit to the Committee on Transpor-  
22 tation and Infrastructure of the House of Representatives  
23 and the Senate Committee on Commerce, Science, and  
24 Transportation a biennial report providing information on



1 whether the Secretary has designated as hazardous mate-  
2 rials for purposes of chapter 51 of such title all by-prod-  
3 ucts of the methamphetamine-production process that are  
4 known by the Secretary to pose an unreasonable risk to  
5 health and safety or property when transported in com-  
6 merce in a particular amount and form.”.

7 **SEC. 402. METHAMPHETAMINE PRODUCTION REPORT.**

8 Section 3001 of the Solid Waste Disposal Act (42  
9 U.S.C. 6921) is amended at the end by adding the fol-  
10 lowing:

11 “(j) METHAMPHETAMINE PRODUCTION.—Not later  
12 than every 24 months, the Administrator shall submit to  
13 the Committee on Energy and Commerce of the House  
14 of Representatives and the Committee on Environment  
15 and Public Works of the Senate a report setting forth in-  
16 formation collected by the Administrator from law enforce-  
17 ment agencies, States, and other relevant stakeholders  
18 that identifies the byproducts of the methamphetamine  
19 production process and whether the Administrator con-  
20 sidered each of the byproducts to be a hazardous waste pur-  
21 suant to this section and relevant regulations.”.

22 **SEC. 403. CLEANUP COSTS.**

23 (a) IN GENERAL.—Section 413(q) of the Controlled  
24 Substances Act (21 U.S.C. 853(q)) is amended—



1           (1) in the matter preceding paragraph (1), by  
2           inserting “, the possession, or the possession with in-  
3           tent to distribute, ” after “manufacture”; and

4           (2) in paragraph (2), by inserting “, or on  
5           premises or in property that the defendant owns, re-  
6           sides, or does business in” after “by the defendant”.

7           (b) SAVINGS CLAUSE.—Nothing in this section shall  
8           be interpreted or construed to amend, alter, or otherwise  
9           affect the obligations, liabilities and other responsibilities  
10          of any person under any Federal or State environmental  
11          laws.

